

To plaintiff and all parties:

You are hereby notified to plead to the enclosed New Matter within twenty (20) days from service hereof or a default judgment maybe entered against you.

Attorney for Defendant(s)

CRAIG M. TERKOWITZ

By: Derek A. Ondis, Esq.

I.D.#: 71573

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ATTORNEY FOR DEFENDANT Anthony Goslin and Southern New Jersey Steel Co., Inc.

DAO/P6376

**STEVEN DOHERTY, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE OF JULIANNA
DOHERTY, A MINOR, AND DENISE DOHERTY,**

Plaintiff,

VS.

**ANTHONY GOSLIN AND SOUTHERN NEW JERSEY
STEEL CO., INC.,**

Defendants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PA

CIVIL ACTION NO. 02-cv-2689

ANSWER, AFFIRMATIVE DEFENSES, JURY DEMAND AND DESIGNATION OF TRIAL COUNSEL

**ANSWER AND NEW MATTER OF DEFENDANTS
ANTHONY GOSLIN AND SOUTHERN NEW JERSEY STEEL CO., INC.,**

Defendants Anthony Goslin and Southern New Jersey Steel Co., Inc., by way of Answer to plaintiffs' Complaint, state as follows:

1. Paragraph 1 of plaintiffs' Complaint contains no allegations against these defendants and therefore, no responsive pleading is necessary. However, insofar as such allegations may be construed to pertain to these defendants, same are denied.

2. Paragraph 2 of plaintiffs' Complaint contains no allegations against these defendants and therefore, no responsive pleading is necessary. However, insofar as such allegations may be construed to pertain to these defendants, same are denied.

3. Paragraph 3 of plaintiffs' Complaint contains no allegations against these defendants and therefore, no responsive pleading is necessary. However, insofar as such allegations may be construed to pertain to these defendants, same are denied.

4. Defendants deny the allegations contained in paragraph 4 of plaintiffs' Complaint.

5. Defendants admit the allegations contained in paragraph 5 of plaintiffs' Complaint.

6. Defendants admit the allegations contained in paragraph 6 of plaintiffs' Complaint.

7. Defendants admit the allegations contained in paragraph 7 of plaintiffs' Complaint.

8. Defendants deny the allegations contained in paragraph 8 of plaintiffs' Complaint.

9. Denied. Defendants have insufficient information to form a belief as to the truth of the allegations contained in paragraph 9 of plaintiffs' Complaint and leave plaintiffs to their proofs.

10. Denied. Defendants have insufficient information to form a belief as to the truth of the allegations contained in paragraph 10 of plaintiffs' Complaint and leave plaintiffs to their proofs.

11. Defendants deny the allegations contained in paragraph 11 of plaintiffs' Complaint.

12. Defendants deny the allegations contained in paragraph 12 of plaintiffs' Complaint.

COUNT I

13. Defendants hereby repeat and reallege their answers to paragraphs 1 through 12 of plaintiffs' Complaint as if set forth at length herein.

14. Defendants deny the allegations contained in paragraph 14 of plaintiffs' Complaint.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

COUNT II

15. Defendants hereby repeat and reallege their answers to paragraphs 1 through 14 of plaintiffs' Complaint as if set forth at length herein.

16. Denied. Defendants have insufficient information to form a belief as to the truth of the allegations contained in paragraph 16 of plaintiffs' Complaint and leave plaintiffs to their proofs.

17. Defendants deny the allegations contained in paragraph 17 of plaintiffs' Complaint.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

COUNT III

18. Defendants hereby repeat and reallege their answers to paragraphs 1 through 17 of plaintiffs' Complaint as if set forth at length herein.

19. Denied. Defendants have insufficient information to form a belief as to the truth of the allegations contained in paragraph 19 of plaintiffs' Complaint and leave plaintiffs to their proofs.

20. Defendants deny the allegations contained in paragraph 20 of plaintiffs' Complaint.

21. Defendants deny the allegations contained in paragraph 21 of plaintiffs' Complaint.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

COUNT IV

22. Defendants hereby repeat and reallege their answers to paragraphs 1 through 21 of plaintiffs' Complaint as if set forth at length herein.

23. Denied. Defendants have insufficient information to form a belief as to the truth of the allegations contained in paragraph 23 of plaintiffs' Complaint and leave plaintiffs to their proofs.

24. Defendants deny the allegations contained in paragraph 24 of plaintiffs' Complaint.

25. Defendants deny the allegations contained in paragraph 25 of plaintiffs' Complaint.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

COUNT V

26. Defendants hereby repeat and reallege their answers to paragraphs 1 through 25 of plaintiffs' Complaint as if set forth at length herein.

27. Defendants deny the allegations contained in paragraph 27 of plaintiffs' Complaint.

28. Defendants deny the allegations contained in paragraph 28 of plaintiffs' Complaint.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

COUNT VI

29. Defendants hereby repeat and reallege their answers to paragraphs 1 through 28 of plaintiffs' Complaint as if set forth at length herein.

30. Paragraph 30 of plaintiffs' Complaint contains no allegations against these defendants and therefore, no responsive pleading is necessary. However, insofar as such allegations may be construed to pertain to these defendants, same are denied.

31. Paragraph 31 of plaintiffs' Complaint contains no allegations against these defendants and therefore, no responsive pleading is necessary. However, insofar as such allegations may be construed to pertain to these defendants, same are denied.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

COUNT VII

32. Defendants hereby repeat and reallege their answers to paragraphs 1 through 31 of plaintiffs' Complaint as if set forth at length herein.

33. Paragraph 33 of plaintiffs' Complaint contains no allegations against these defendants and therefore, no responsive pleading is necessary. However, insofar as such allegations may be construed to pertain to these defendants, same are denied.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

NEW MATTER

34. Plaintiffs fail to state a claim upon which relief can be granted.

35. Plaintiffs' recovery is barred and/or limited by virtue of the doctrine of contributory negligence or by virtue of the doctrine of comparative negligence.

36. Plaintiffs' damages, if any, were caused by the acts or omissions of others over whom these defendants had no control or right of control.

37. Any recovery by plaintiffs is barred and/or limited by his own failure to mitigate plaintiffs' damages.

38. Plaintiffs' claims are barred by the applicable statute of limitations.

39. Plaintiffs' recovery is barred and/or limited to the extent that the materials allegedly involved in the incident were altered, and/or misused by others over whom these defendants had no control or right of control.

40. Plaintiffs' recovery is barred and/or limited to the extent that the materials allegedly involved in this incident were maintained, manufactured or supplied within government or industry standards.

41. Some or all of plaintiff's claims against these defendants are barred by the doctrine of assumption of risk.

WHEREFORE, defendants Anthony Goslin and Southern New Jersey Steel Co., Inc. respectfully request that this Honorable Court enter judgment in their favor and against the plaintiffs, along with an award for costs, expenses and attorney fees as well as any other relief deemed appropriate.

Respectfully submitted,

LAW OFFICES OF CRAIG M. TERKOWITZ

By: Derek A. Ondis
I.D.#: 71573
Attorney for Defendants, Anthony Goslin and Southern
New Jersey Steel Co., Inc.

Dated: June 28, 2002

VERIFICATION

Pursuant to Pa. R.C.P. 1024(c)(2), I, Derek A. Ondis, state that: the individual authorized to verify this Answer and New Matter on behalf of defendant(s) Anthony Goslin and Southern New Jersey Steel Co., Inc., is outside the jurisdiction of this Court and their Verification cannot be obtained within the time allowed for filing this Pleading; while I do not have personal knowledge of all the facts recited in the foregoing Answer and New Matter of these defendants, that said facts are true to the best of my knowledge and belief based upon such information as is presently available; and that the foregoing is therefore verified on behalf of these defendants. I understand that this statement is made subject to the penalties of 18 Pa. C.S.A. 4904, relating to unsworn falsifications to authorities.

LAW OFFICE OF CRAIG M. TERKOWITZ

By: Derek A. Ondis

I.D.#: 71573

Attorney for Defendants Anthony Goslin and Southern
New Jersey Steel Co., Inc.

Dated: June 28, 2002

CERTIFICATION OF SERVICE

I, Derek A. Ondis, hereby certify that on June 28, 2002, counsel listed below were served by regular U.S. Mail with a true and correct copy of defendant's Answer and New Matter and Verification:

James F. Mundy, Esq.
Raynes, McCarty, Binder, Ross & Mundy
1845 Walnut Street, Suite 2000
Philadelphia, PA 19103
Attorney for Plaintiffs

LAW OFFICES OF CRAIG M. TERKOWITZ

By: Derek A. Ondis
Attorney for Defendants Anthony Goslin and
Southern New Jersey Steel Co., Inc.

Dated: June 28, 2002